



#7 DAC \$

PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First-named inventor: *PETER ROBERT BURNS*

Group Art Unit:

Application Number: *08/923443*Examiner: *Timothy Kang*Filed: *DATE NOT KNOWN 86-97*Title: *SAND ANCHOR*

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

**1. Petition fee**

small entity - fee \$ 55 (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**

the form of BANK DRAFT (identify the type of reply):

has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

**B. The issue fee of \$ \_\_\_\_\_**

has been paid previously on \_\_\_\_\_  
 is enclosed herewith.

*PLEASE ADVISE RE-OUTSTANDING  
FEES.*

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity of \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Date

Telephone  
Number: (61) 3-93708679

Signature

*PETER ROBERT BURNS*

Typed or printed name

1 CAREFFERS STREET

Address

Moover Ponds 3039

*VICTORIA AUSTRALIA*Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unavoidable delay *REVOKE Power of Attorney letter.***CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

*14th April 2003*

Date

Signature

*PETER ROBERT BURNS*

Typed or printed name of person signing certificate

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

*11/01/2003*

Date



Signature

*Peter Robert Burns*

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

*Please see attachments*

*(Please attach additional sheets if additional space is necessary)*



US PAT APP NO 08/923443

**PETER ROBERT BURNS states:**

In early 1998 I had reached agreement with Australia's largest plastics manufacturer to produce the tooling and to manufacture my invention, titled "Sand Anchor". I had also had discussions with my patent attorney and reached agreement with him that he deal directly with the company and that they were responsible for the payments relating to the US Patents Office.

My wife had suffered a series of strokes and was medically diagnosed as being a totally disabled person and was to be placed in "An Aged Care Facility", although only 52 years of age. I have spent the last few years in her rehabilitation and this has required me to devote myself to this task full-time.

In the meantime I visited the manufacturers premises and had ongoing discussions with the Plant's Manager R&D Manager. Drawings and tool designs were constantly shown to me but there appeared to be little progress towards final productions. I was also in frequent contract with my patent attorney who appeared to be less and less forthcoming with any information in relation to my US Patent.

I then read in a trade magazine that 49% of the company I was dealing with had been sold to a large British company, specialising in blowmoulding, not injection moulding. I also knew that my patent attorney was very closely associated with the owners of this British private company. I contacted him and he was aware of the transaction and believed that it would have no effect on the company's interest in manufacturing my product and he indicated that my US patents were proceeding well.

I next contacted the Melbourne based company and they informed me that they were proceeding with my product but had placed it on hold for a short period due to management changes, this was in mid 2000. Within 12 months, the British company had purchased the remaining of 51% of this company.

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Following the takeover of the company I received a visit from the R&D Manager with whom I had formed a friendly relationship, he informed me that he had left the company to take up another position. He felt obliged to inform me that a new manager had made a decision some eighteen months previously not to proceed with my product. He and other staff members were instructed not inform me of this decision and to continue to lead me to believe that the company intended to proceed with the matter.

I then contacted my patent attorney who informed me that my US patents had become abandoned and that unless he received payment of a substantial sum of money from me he was not prepared to discuss his handling of the patent. He gave no explanation as to why he had made no mention to me either verbally or in writing as to the impending abandonment of my US patent so that I could intervene and take the necessary steps to proceed with my patent.

I have never received copies of any correspondence from the US patent office and had to rely on my patent attorney for any advice and this was not forthcoming, I have been very poorly served. by my attorney whose services (such as they were) have been terminated.

It was never my intention to not proceed with my patent, I spent. some seven years and some US \$75,000 in designing my invention. I have continued to work on it and other ground anchoring. designs based broadly on my "Sand Anchor". I was under the misguided belief that both the company that had initially approached me and my patent attorney had the matter in hand and rather naively. but my trust in them due in part to my obligations to my wife taking so much of my time. (Well worth the effort as she has made a remarkable recovery, much against the medical odds).

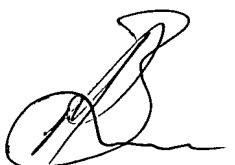
I am at a loss to explain the actions of the company that had originally approached me to be involved in the manufacture and seeking markets for my invention. No doubt the impending sale of the company would have been a major factor but that does not explain the actions of the management to deceive me as indicated by the R&D manager's advice to me.

Also my attorney's actions remain a mystery to me. I was initially impressed by his confident and business -like manner however, once he became involved directly with discussion with company management I basically had no contact with him other than brief telephone conversations, his office is in Brisbane whilst I had relocated to Melbourne because of the manufacturing companies interest and the fact that their major factory is located in Melbourne. Brisbane and Melbourne are approximately 1,000 miles apart.

The last advice from my patent attorney was that there was no chance of revival of my patent and as such I have taken no action previously to resume my application.

I trust that you will grant my request to resume my patent application on the grounds that It was unavoidably abandoned as I was totally unaware of the correspondence from the US Patents Office in relation to my application. I will be submitting a new application incorporating improvements on my "Sand Anchor" and including new ground anchoring devices that will be of great benefit to the public at large.

Yours sincerely,



14th April 2003

Peter R. Burns

U S PATENTS  
TRADEMARKS OFFICE  
U S DEPARTMENT OF COMMERCE  
WASHINGTON D.C. 20251.



#8

PETER ROBERT BURNS  
1 CAFEERLS ST  
MOONIEE PONDS  
VICTORIA 3059  
AUSTRALIA

61-3-93708679

U.S. PATENT APPLICATION

No 08/923443

TITLE "Sand Shears"

APPLICANT - PETER ROBERT BURNS.

I, MARGERY RIVKOR ARE POWERS OF ATTORNEY  
GIVEN IN THE ABOVE APPLICATION.

PLEASE FORWARD THE CORRESPONDENCE TO  
THE ABOVE ADDRESS

14th April 2003.

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